



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 06-76

Released: January 17, 2006

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL  
OF BIG BEND TELEPHONE COMPANY, INC. FROM JVAH LIMITED  
PARTNERSHIP TO THE VIRGINIA S. HAYNES TESTAMENTARY TRUST FOR  
BENEFIT OF JUSTIN VA HAYNES, JUSTIN VA HAYNES TRUSTEE**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 06-4**

**Comments Due: February 1, 2006**

**Reply Comments Due: February 8, 2006**

On December 29, 2005, JVAH Limited Partnership ("JVAH" or "Transferor") and Virginia S. Haynes Testamentary Trust for Benefit of Justin VA Haynes, Justin VA Haynes Trustee (the "Trust" or "Transferee"), (collectively referred to as "Applicants"), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,<sup>1</sup> to transfer control of Big Bend Telephone Company ("Big Bend") from JVAH to Trust.<sup>2</sup>

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules because the Trust, and Justin VA Haynes as beneficiary, are not telecommunications providers.<sup>3</sup>

Big Bend is a corporation organized under the laws of the State of Texas. Big Bend is an incumbent local exchange carrier that was created in 1960 to serve the rural west Texas counties of Brewster, Presidio, Jeff Davis, Terrell, Crockett, Val Verde and Pecos. Big Bend currently serves 5,595 access lines in 14 exchanges served by 13 Central Offices covering 17,593 square miles. All of the areas served by Big Bend are rural towns, communities and ranches.

<sup>1</sup> 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

<sup>2</sup> Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> 47 C.F.R. 63.03(b)(1)(ii).

Nevill Holdings, Inc. is a corporation organized under the laws of the State of Delaware. Prior to the consummation of proposed transaction, Nevill Holdings, Inc. holds 100% of the equity in Big Bend. JVAH currently owns 100% of the capital stock of Nevill Holdings, Inc. all of which stock is common stock.

JVAH is a partnership organized under the laws of the State of Texas is established under the laws of the State of Texas. JVAH Limited Partnership is owned by Jefferson V. Haynes and Stephanie Haynes own 98% of the equity in JVAH Limited Partnership. JVAH Management, L.L.C. owns the remaining 2% equity interest. JVAH Management, L.L.C. is wholly-owned by Jefferson V. Haynes.

The proposed transaction consists of the sale of all of the capital stock of Nevill Holdings, Inc., by JVAH Limited Partnership to the Trust. This sale will be accomplished through a merger in which the Trust will exchange its shares in a merger subsidiary for that of Nevill Holdings, Inc. and JVAH will surrender all of its shares in Nevill Holdings, Inc. After the proposed transaction is completed, the Trust will own 100.0% of the capital stock of Nevill Holdings, Inc. Following the proposed transaction, Big Bend will continue to be a wholly-owned subsidiary of Nevill Holdings, Inc.

Applicants state that the proposed transaction serves the public interest, convenience and necessity. The Applicants assert the proposed transaction comprises the sale of the stock of a small company that provides local exchange and interexchange service within several rural west Texas counties. Applicants maintain that the transaction, which is principally an intra-family transaction, will permit the continued provision of service to Big Bend's subscribers that would otherwise go unserved. Applicants submit that Justin VA Haynes, as the current President and Chief Operating Officer of Big Bend, has been engaged in the day-to-day management and operations of the Company and is able to continue bringing quality service to its customers.

### **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before February 1, 2006 and reply comments on or before February 8, 2006.**<sup>4</sup> Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31<sup>st</sup> day after the date of this notice.<sup>5</sup> Comments may be filed

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<sup>4</sup> See 47 C.F.R. § 63.03(a).

<sup>5</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**You may submit comments, identified by the above noted docket number, by any of the following methods:**

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpiweb.com](http://www.bcpiweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-, Washington, D.C. 20554; e-mail: [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov);
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto:james.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Dennis Johnson at (202) 418-0809.

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